

REMARKS

Claims 1-30 are in the case. Applicants respectfully request the Examiner to reconsider the application in view of the following discussion.

I. 37 C.F.R. § 1.83(a)

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly not showing the method as claimed in claims 1-15. Applicants respectfully submit that the drawings do show every feature of the invention specified in claims 1-15.

Claim 1 is directed towards "presenting one of an expert wager input interface and a novice wager input interface based upon user inputs." FIG. 7 illustrates a main menu 702 presented to a user that includes a "proBET" option 704 and a "Build-A-Bet" option 706. As explained in the specification (page 30, lines 4-10), the "proBET" option is an expert wager input interface, while the "Build-A-Bet" option is a novice wager input interface.

Claim 2 is directed towards "interpreting the user inputs as specifically selecting the one of the expert wager input interface and the novice wager input interface." As shown in FIG. 7, the user can select between the "proBet" option and the "Build-A-Bet" option. If the user selects "proBET" option 704 from menu 702, screen display 900 of FIG. 9 is displayed to the user. If the user selects "Build-A-Bet" option, screen display 2700 of FIG. 27 is displayed to the user.

Claim 3 is directed towards "switching from presenting one of the expert wager input interface and the novice wager input interface to another of the expert wager input interface and the novice wager input interface." As shown in FIG. 121, option 12120 in drop down menu 12102 may cause the user interface to switch from the proBET mode to the BUILD-A-BET mode when selected and vice-versa.

Claim 4 is directed towards "transferring wager selections made in the one of the expert wager input interface and the novice wager input interface to another of the expert wager input interface and the novice wager input interface." As explained in the specification (page 53, lines 22-24) with reference to FIG. 121, when the user interface toggles the current betting mode, the user interface will preferably transfer all entries already submitted by the user into the new betting mode.

Claim 5 is directed towards "displaying a wager input interface having a plurality of user selection requirements and a plurality of options for each of the plurality of user selection requirements, wherein the plurality of user selection requirements are displayed so that each is substantially aligned in a first dimension, and wherein the plurality of options for each one of the plurality of user selection requirements are displayed so that the plurality of options are substantially aligned in a second dimension with the one of the plurality of user selection requirements." FIG. 9 shows screen display 900

which supports all of the features defined by claim 5. Screen display 900 shows a wager input interface having a plurality of user selection requirements such as "TRACK", "RACE", and "TYPE" aligned vertically ("a first dimension") and a plurality of options for each of "TRACE", "RACE", and "TYPE" requirements which are aligned horizontally ("a second dimension") with each requirement. Claims 6-8 which are dependent claims of independent claim 5 are supported by other details of FIG. 9.

Claim 9 is directed towards "displaying a ticket window that indicates each of the plurality of options selected using the user inputs." FIG. 13 shows screen 1300 which includes ticket window 1006 that indicates each of the plurality of options which have been selected by the user. In addition, FIGS. 10-12 show each option selected by the user appearing in ticket window 1006 as it is selected.

Claim 10 is directed towards "presenting a series of displays each corresponding to one of a plurality of user selection requirements, wherein each of the series of displays includes a plurality of options that correspond to the corresponding one of the plurality of user selection requirements, designating at least one of the plurality of options as selected options, and simultaneously displaying as part of a simulated wager ticket each of the selected options." FIGS. 27-35 show a series of screens 2700-3500, each of which correspond to a user selection requirement. For example, FIG. 27 shows screen 2700 which displays a ticket window 2702 and tab

options 2704. Ticket window 2702 shows a simulated wagering ticket that is updated as the user makes his or her selections.

Claim 11 is directed towards "presenting a plurality of participant options, highlighting one of the plurality of participant options in response to the user inputs, and indicating a color corresponding to the one of the plurality of participant options when highlighted." FIG. 32a shows a horse selection interface that shows each jockey's and/or horse's colors as the user highlights different horses in the selection interface. For example, as shown in screen 3250 of FIG. 32a, a finish first tab 3252 is used to select a horse to come in first place. Tab 3252 includes finish first selections 3254 and a color indicator 3256. As illustrated, color indicator 3256 is shown as an image of a jockey and a horse. As the user highlights a different one of selections 3254, the color of the jockey image changes to match that of the silks worn by the jockey riding the highlighted horse. Claims 12-13 are dependent claims of independent claim 11, and specifically define participant option as a horse and jockey, respectively.

Claim 14 is directed towards "selecting a set of menu options that are a function of a current operating mode; and presenting a menu containing the set of menu options."

FIGS. 9-25 show a set of menu options in response to a user's selection of the "proBET" operating mode. If the user had chosen the "Build-A-Bet" operating mode, menu options shown in

FIGS. 27-53 would have been presented in response to the user's choice of operating mode.

Claim 15 is directed towards "selecting wagering options based upon the user inputs; placing a first wager using the wagering options; and presenting the wager options as default selections in a subsequent wager entry process." In one embodiment of applicants' invention, FIG. 36 shows a "Default" action selection 3606 that can be selected after a user places a bet. The user's selection of action selection 3606 causes the selections made by the user for a bet to become a default selection in a later wager.

Applicants have not submitted new subject matter, and in view of the foregoing, respectfully submit that the drawings filed with the application show every feature of claims 1-15. Accordingly, applicants respectfully request that the objections to the drawings under 37 C.F.R. § 1.83(a) be withdrawn.

II. 35 U.S.C. § 112

The Examiner rejected claims 1-30 under 35 U.S.C. § 112 as containing subject matter not described in the specification. The Examiner specifically states that the specification fails to describe "expert wager input interface", "novice wager input interface", "selection requirements displayed substantially aligned", "the plurality of options that is selected using the user inputs is highlighted", and a "ticket window."

The specification describes both "expert wager input interface" and "novice wager input interface" at page 29, line 28 to page 30, line 10. The "proBET" mode of applicants' invention is described as a very efficient interface for the experienced wagerer. In the same paragraph as this description of the "proBET" mode, the specification also contrasts the "proBET" mode to "a novice interface as illustrated in the Build-A-Bet mode." It would be clear to someone of ordinary skill in the art that the specification has defined the "proBET" and "Build-A-Bet" modes as "expert wager input interface" and "novice wager input interface" respectively.

The specification also describes what is meant by "selection requirements displayed substantially aligned" at page 22, line 21 to page 23, line 6. This paragraph of the specification describes FIG. 9, in which "the user is required to select a track for the bet." It would be clear to someone with ordinary skill in the art that the track which the user is required to select, is a selection requirement. Furthermore, FIG. 9 shows selection requirements such as "TRACK", "RACE", and "TYPE" which are substantially aligned, as they are aligned vertically.

The specification also describes "the plurality of options that is selected using the user inputs is highlighted" at page 23, lines 7-19. This paragraph in the specification explains that FIG. 10 shows track options 908 next to track option indicator 906 that selected track option 1004 is light in

color in comparison to other options 908. It would be clear to one of ordinary skill in the art that a selected option which is light in comparison to other unselected options is highlighted with respect to the other options.

The specification also describes a "ticket window" at page 23, lines 7-19. A ticket window 1006 which appears at the bottom of screen 1000 in FIG. 10 (and in all proBET screens in FIG. 9-25). Ticket window 1006 can be used to indicate option selections which the user has made. For example, in FIG. 10, track selection is indicated in ticket window 1006 in screen 1000 which shows a track indication 1008 that preferably uses the same abbreviation as that selection from track options 908.

In view of the foregoing, applicants submit that claims 1-30 have been described in the specification in accordance with 35 U.S.C. § 112.

The Examiner also objected to claims 3-4, 11-13, 18, and 26-28 as being indefinite for failing to particularly point out and distinctly claim applicants' invention. More specifically, the Examiner objects to the phrase "another of the expert wager input interface and the novice wager input interface" on the basis of lack of clarity and antecedent.

Applicants point out that claim 1 serves as antecedent for claim 3-4. Claim 1 is directed towards presenting a user with a choice between "one of an expert wager input interface and a novice wager input interface based upon the user inputs." This term is the antecedent for the objected to phrase. Once the user

has made a choice, the user is either using an expert wager input interface or a novice wager input interface. Therefore, it would be clear to one of ordinary skill in the art that claim 3 is directed towards switching from an expert wager input interface to a novice wager input interface, or vice-versa. Similarly, claim 4 is directed towards transferring wager selections made in the expert wager input interface to the novice wager input interface and vice-versa.

The Examiner further objected to the preamble of claim 4 because it refers to a system when the parent claim refers to a method. Applicants have amended claim 4 to refer to a method, and claim 4 is now consistent with its parent claim. Applicants thank the Examiner for pointing out this inadvertent typographical error. The Examiner also objects to the term "wager selections" in claim 4 as lacking antecedent basis. Applicants respectfully submit that the term "wager selections" does not require antecedent basis as it is not preceded by a definite article such as "the" or "said."

The Examiner objected to claims 11 and 26 as being unclear in meaning with regard to the term "participant." Claims 11 and 26 are directed towards "presenting a plurality of participant options, highlighting one of the plurality of participant options in response to the user inputs, and indicating a color corresponding to the one of the plurality of participant options when highlighted." Applicants point out that the specification describes a selection interface showing

different horses ("participant options") in FIG. 32a (page 33, lines 3-26). More specifically, as the user highlights a different one of selections 3254, the color of the jockey image in indicator 3256 changes to match that of the silks worn by the jockey riding the highlighted horse and the color of the horse image may change to match the actual color of the highlighted horse. In addition, the specification states that indicator 3256 could be an image, object, or shape other than a horse or jockey. Applicants submit that claims 12-13 and 27-18 which depend from claims 11 and 26 respectively are therefore clear in meaning as well to one of ordinary skill in the art.

In view of the foregoing, claims 3-4, 11-13, 18, and 26-28 do point out and distinctly claim subject matter which applicants regard as the invention, in accordance with 35 U.S.C. § 112. Applicants therefore request that the rejections under 35 U.S.C. § 112 be withdrawn.

III. 35 U.S.C. § 102

The Examiner rejected claims 1-4 and 16-19 under 35 U.S.C. § 102(b) as being anticipated by Massaro et al. U.S. Patent No. 5,535,321 (hereinafter "Massaro"). More particularly, according to the Examiner, "Massaro et al. teaches a system requiring multiple-user, user interfaces of varying degrees of difficulty, interpretation of the user inputs to determine which

degree of difficulty is selected, and transferring of user inputs between various forms of the interface." (Office Action, page 3).

Applicants' claims 1-4 and 16-19 are directed towards using "an expert wager input interface and a novice wager input interface based upon user inputs." In contrast, there is no teaching in Massaro that suggests any type of wager input interface. Rather, Massaro shows a data processing system for which the user can specify user profiles. (Massaro, abstract). Accordingly, for at least these reasons, applicants submit that claims 1-4 and 16-19 are patentable over Massaro.

The Examiner also rejected claims 5-15 and 20-30 under 35 U.S.C. § 102(b) as being anticipated by ODS Technologies PCT Patent No. WO 97/09699 (hereinafter the "'699 publication"). Claims 5-9 and 20-24 are directed towards "displaying a wager input interface having a plurality of user selection requirements and a plurality of options for each of the plurality of user selection requirements, wherein the plurality of user selection requirements are displayed so that each is substantially aligned in a first dimension, and wherein the plurality of options for each one of the plurality of user selection requirements are displayed so that the plurality of options are substantially aligned in a second dimension with the one of the plurality of user selection requirements."

In contrast, the '699 publication teaches a different method of accepting user selection requirements. An example is shown in the '699 publication in FIGS. 8-11. User selection

requirement such as "TODAY'S RACE TRACKS" in FIG. 8 of the '699 publication, and options to be selected for those user selection requirements, are not displayed such that the user selection requirements are "substantially aligned in a first dimension, and wherein the plurality of options for each one of the plurality of user selection requirements are displayed so that the plurality of options are substantially aligned in a second dimension with the one of the plurality of user selection requirements" as taught by applicants.

Claims 10 and 25 are directed towards "presenting a series of displays each corresponding to one of a plurality of user selection requirements, wherein each of the series of displays includes a plurality of options that correspond to the corresponding one of the plurality of user selection requirements, designating at least one of the plurality of options as selected options, and simultaneously displaying as part of a simulated wager ticket each of the selected options." Applicants respectfully submit that nowhere in the '699 publication (including FIGS. 1-50) is a simulated wager ticket shown or suggested.

Claims 11-13 and 26-28 are directed towards "presenting a plurality of participant options, highlighting one of the plurality of participant options in response to the user inputs, and indicating a color corresponding to the one of the plurality of participant options when highlighted." Applicants respectfully submit that nowhere in the '699 publication is the

indication of a color corresponding to one of plurality of participant options shown or suggested.

Claims 14 and 29 of applicants' invention are directed towards "selecting a set of menu options that are a function of a current operating mode; and presenting a menu containing the set of menu options" in response to user input. The '699 publication does not show or suggest different operating modes, or any possibility of changing the operating mode of the user.

Independent claims 15 and 30 of applicants' invention are directed towards "placing a first wager using the wagering options; and presenting the wager options as default selections in a subsequent wager entry process." Applicants respectfully submit that default selections are taught at two instances in the specification for the '699 publication, neither instance sharing any commonality with claims 15 and 30. The first instance is in relation to placing a cursor at a default position at a next race when a user is placing a wager ('699 publication, specification, lines 10-13). The second instance is in relation to a default racetrack selection for a race ('699 publication, specification, lines 16-18). There is no teaching in either instance of allowing a user to place a second wager based on wager options selected for a first wager. Therefore, independent claims 15 and 30 are patentable over the '699 publication.

For at least the reasons set forth above, applicants submit that claims 1-4 and 16-19 are not shown or suggested by Massaro, and claims 5-15 and 20-30 are patentable over the '699

publication. Accordingly, applicants respectfully request that the rejections under 35 U.S.C. § 102(b) be withdrawn.

IV. Conclusion

In view of the foregoing, claims 1-30 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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Appendix
(Showing How Claim 4
Has Been Amended)

4. The [system] method of claim 3, further comprising transferring wager selections made in the one of the expert wager input interface and the novice wager input interface to the another of the expert wager input interface and the novice wager input interface.